REMARKS:

Claims 6, 12, 13, 18, and 19 have been allowed.

Claims 5, 10, 11, 16, and 17 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,918,217 (Maggioncalda). In response, Applicant contends for the following reasons that the rejected claims are patentable over the cited reference.

Claim 5 recites a processor programmed to perform an arithmetic performance attribution computation in a specific way, including by determining coefficients $(A + \alpha_t)$ of a specifically recited type, and determining portfolio relative performance in a specific way using these coefficients.

Claim 10 recites a processor programmed to perform a geometric performance attribution computation in a specific way, including by determining attribution effects for issue selection $(1 + I_{it}^G)$ of a specific type, determining attribution effects for sector selection $(1 + S_{it}^G)$ of a specific type, and determining portfolio performance in a specific way using these attribution effects.

Claim 16 recites a processor programmed to perform a geometric performance attribution computation in a specific way, including by determining attribution effects $1 + Q_{ijt}^G$ of a specific type and determining portfolio performance in a specific way using these attribution effects.

Maggioncalda fails to teach or suggest a processor programmed to perform any arithmetic (or geometric) performance attribution computation, and fails to teach or suggest a processor programmed in the specific way recited in claim 5, 10, or 16. Although the Office Action asserts that Maggioncalda (at column 6, lines 25-42) discloses a processor "programmed to perform an arithmetic performance attribution computation to determine portfolio performance," there is no teaching determinable from Maggioncalda's column 6, lines 25-55 (or elsewhere in Maggioncalda) of a processor programmed in such a manner, or that it would be desirable to so program a processor. The only teachings in Maggioncalda regarding how to program a processor

are teachings to program a processor to perform computations very different from those recited in any of claims 5, 10, and 16. For example, Maggioncalda teaches programming a processor to perform computations such as determining a recommended set of financial products (e.g., the products indicated in region 430 of Maggioncalda's Fig. 4) for achieving user-specified financial goals, and "constraining settings associated with... [a] graphical input mechanism" in response to a user-specified "desired level of investment risk," and determining an indication (e.g., the indications shown in Maggioncalda's Fig. 7c) of the probability of achieving a user-specified financial goal. There is no teaching or suggestion determinable from Maggioncalda to program a processor to produce a processor programmed in the specific way recited in claim 5, 10, or 16.

Applicant respectfully contends that there is no basis for the assertion in the Office Action that Maggioncalda's computer system is "capable of performing an arithmetic performance attribution computation." Indeed, this assertion is incorrect. In order for Maggioncalda's computer system to have the asserted capability, the processor of such system would need to be programmed to perform an arithmetic performance attribution computation. Maggioncalda fails to teach or suggest how to so program a processor or that it would be desirable to so program a processor.

Even assuming for the sake of argument that Maggioncalda's computer system is capable of performing an <u>arithmetic</u> performance attribution computation, there is no basis determinable from Maggioncalda for rejecting claim 10 or claim 16 since each of these claims recites a processor programmed to perform a <u>geometric</u> performance attribution computation (and to do so in a specifically recited way).

Even assuming for the sake of argument that Maggioncalda's computer system is capable of performing an arithmetic performance attribution computation (if programmed to do so), there is no basis determinable from Maggioncalda for rejecting claim 5, since claim 5 recites a processor programmed to perform an arithmetic performance attribution computation in a specifically recited way that Maggioncalda neither teaches nor suggests, and the Examiner has not contended that any such specific teaching or suggestion is determinable from Maggioncalda.

It would be improper to contend that claim 5, 10, and 16 is anticipated by a computer system including an unprogrammed processor and a display device, since to do so would ignore the explicit limitation in each of claims 5, 10, and 16 of a processor "programmed" in a specifically recited way. None of claims 5, 10, and 16 reads on computer system including an unprogrammed processor and a display device. Nor does any of claims 5, 10, and 16 recite an "intended use" of an unprogrammed processor.

Reconsideration and allowance of claims 5, 10, 11, 16, and 17 is respectfully requested.

Respectfully submitted,

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